

Appl. No.: 10/823,295
Response dated May 25, 2006
Reply to Office action of November 29, 2005

REMARKS/ARGUMENTS

I. Status of the Claims

Applicants received the Office Action dated November 29, 2005 in which the Examiner rejected claims 1-25 and 27-28 under 35 U.S.C. § 102(b) as being unpatentable over Murray (U.S. Patent No. 6,484,033 B2). The Examiner further rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Murray in view of Myr (U.S. Patent Application US 2001/0029425 A1). With this Response, Applicants amend claims 1, 5, 12, 13, 16, 20, 23 and 28 and cancel claim 24. Based on the amendments and arguments contained herein, Applicants believe this case to be in condition for allowance.

II. Rejections under § 102(b)

Murray is directed to a schedule management system. Murray discloses alerting a user of a wireless communication device of a scheduled event (e.g., a meeting) that is impending or that is already in progress. At the time the alert is provided to the user of the communication device, Murray teaches determining, given current traffic conditions, whether the user has enough time to make it to the event. If there is insufficient time for the user to make it to the event, a call is automatically placed to another person in an attempt to find a backup person to attend the event instead.

Murray's algorithms are disadvantageous in that the user is not necessarily alerted far enough ahead of the event to ensure that the user has ample time to make it to the event in a timely manner. For example, referring to Figure 9, the algorithm determines whether a current time matches the time of the scheduled event (step 258 and column 11, lines 57-61). If the current time matches the time of the scheduled event, the algorithm proceeds to the algorithm shown in Figure 11 in which alerts are provided to the user. However, by this time, the event has already begun, and the user is already late.

Likewise, referring to Figure 11, it is unclear to Applicants at what time an alert is provided to the user. As such, while it is conceivable to Applicants that the alert may be provided in a timely fashion, the alert may well be provided at a time that prohibits the

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user from making it to the scheduled event in a timely manner. In particular, the algorithm comprises determining whether there is traffic delay on the intended route (step 180). If there is a traffic delay, the algorithm comprises calculating a travel time that includes the traffic delay (step 196) and subsequently initiating an alert to the user (step 198). However, the alert generated in step 198 may be of limited use to the user, since the alert may be generated when it is already too late for the user to make it to the scheduled event on time.

For example, if the user has a meeting scheduled for 8:00 PM and the current time is 7:00 PM, the user has one hour to make it to the meeting. However, the total driving time to the meeting, including traffic delays, is not determined until step 196. If step 196 occurs at or after 7:00 PM, and if the total driving time determined at step 196 is more than an hour, the user is unable to make it to the meeting on time. The alert generated at step 198 does nothing more than inform the user that he or she is going to be late. The algorithm proceeds to step 206, at which point a call is placed to inform others about the user's inability to make it to the meeting in a timely manner in an attempt to locate a replacement meeting attendee.

In contrast to Murray, the invention of claim 1 provides an alert to a user such that the user has ample time to make it to a meeting or other scheduled event. Specifically, in claim 1, a travel time is determined using factors that affect travel time. Applicants amend claim 1 to provide an alert "at a time that precedes the upcoming event by at least the travel time." The invention of claim 1 is thus distinct from that of Murray because it enables a user to be alerted when it is time to go to a meeting and the alert is provided taking into account factors that would affect travel time to the meeting. Murray does not disclose providing an alert as required by claim 1. No other art of record satisfies the deficiency of Murray.

At least for these reasons, claim 1 and its dependent claims 2-12 are patentable. Further, because independent claims 13 and 23 comprise limitations similar to those of claim 1, independent claims 13 and 23, as well as their dependent claims 14-22 and 25-28, also are patentable for the same or similar reasons as for claim 1. Claims 1-23 and 25-28 also may be patentable for reasons not specifically discussed. Accordingly,

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Applicants respectfully request that the rejections against claims 1-23 and 25-28 be withdrawn and the claims allowed.

The Markush groupings of dependent claims 5 and 16 have been amended to remove several "factors." The remaining list of "factors" are not found in the art of record. Thus, claims 5 and 16 are patentable for this additional reason.

Dependent claims 12, 20, and 28 require that the location of the handheld device is determined at programmable intervals. Applicants amend claim 12 to specify that the intervals are "determined in accordance with a speed associated with the handheld device" and further amend claims 20 and 28 to require similar limitations. None of the art of record teaches or even suggests this feature. Accordingly, claims 12, 20, and 28 are patentable for this additional reason.

III. Rejection of Claim 26 Under § 103(a)

Claim 26 depends on independent claim 23. Claim 23 is allowable as explained above. Claim 26 therefore is allowable at least for the same reason as claim 23.

IV. Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Conley Rose Deposit Account Number 03-2769 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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